

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **April 12, 2005**

AGENDA ITEM NO.: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Noah’s Ark Child Care Facility**

RECOMMENDATION: Approval of the requested Conditional Use Permit

SUMMARY: The Salvation Army is petitioning for a CUP at 2301 Park Avenue to allow the use of an existing building as a child day care facility for fifty-eight (58) children under the age of eighteen (18) in an R-3, Two-Family Residential District. The Planning Commission recommended approval of the CUP because:

- Petition agrees with the *Comprehensive Plan* which recommends an Institutional land use for the property.
- Petition agrees with the Zoning Ordinance in that care centers providing day care only may be permitted in residential districts upon approval of a CUP by the City Council.
- The Salvation Army proposes to move its existing day care program, Noah’s Ark, and its Social Services offices from its Community Center at 2215 Park Avenue to a recently acquired building (formerly the U.S. Social Security Building) at 2301 Park Avenue. A CUP is required to allow the use of an existing building as a child day care facility in an R-3, Two-Family Residential District.

PRIOR ACTION(S):

March 23, 2005: Planning Division recommended approval of the CUP
Planning Commission recommended approval (7-0) of the CUP with the following conditions:

1. The property will be developed in substantial compliance with the Proposed Noah’s Ark Daycare Facility for the Salvation Army Site Plan for CUP prepared for The Salvation Army, by Craddock-Cunningham Architectural Partners, P.C., dated February 18, 2005 and revised March 11, 2005.
2. All exterior lighting will be nondirectional and glare-shielded to prevent illumination across the property lines onto adjacent properties.
3. A vegetative buffer will be provided along the perimeter of the site, subject to the review of the City Planner and Urban Forester. If the buffer requires that more than 25 evergreen trees be used to supplement, two different species are required. If the buffer requires more than 50 evergreen trees to be used to supplement, three species are required.
4. All planting material used for the vegetative buffer shall be a minimum of four (4) foot in height at the time of planting.
5. Traffic flow shall be as indicated on the submitted site plan.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902
Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Narrative
- Speaker Sign-Up sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE SALVATION ARMY FOR USE OF THE PROPERTY AT 2301 PARK AVENUE FOR A CHILD DAY CARE FACILITY, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of the Salvation Army for a Conditional Use Permit at 2301 Park Avenue for use as a child day care facility be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the proposed Noah's Ark Daycare Facility for the Salvation Army Site Plan for CUP prepared for The Salvation Army, by Craddock-Cunningham Architectural Partners, P.C., dated February 18, 2005 and revised March 11, 2005.
2. All exterior lighting will be nondirectional and glare-shielded to prevent illumination across the property lines onto adjacent properties.
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4. All planting material used for the vegetative buffer shall be a minimum of four (4) foot in height at the time of planting.
5. Traffic flow shall be as indicated on the submitted site plan.

Adopted:

Certified:

Clerk of Council

049L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: March 23, 2005
Re: **CONDITIONAL USE PERMIT (CUP): Noah's Ark Child Care Facility, 2301 Park Avenue.**

I. PETITIONER

Major David Cope, The Salvation Army, 1424 N.E. Expressway, Atlanta, GA 30329

Representative: Gary Harvey, Craddock-Cunningham Architectural Partners, 10 Ninth Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately 0.9 acres located at 2301 Park Avenue, Lynchburg, VA 24501.

Property Owner: The Salvation Army, 2215 Park Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition to allow the use of an existing building as a child day care facility for fifty-eight (58) children under the age of eighteen (18).

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends an Institutional land use for the subject property.
- Petition agrees with the Zoning Ordinance in that care centers providing day care only may be permitted in residential districts upon approval of a conditional use permit (CUP) from the City Council.
- The Salvation Army proposes to move their existing day care program, Noah's Ark, and their Social Services offices from their Community Center at 2215 Park Avenue to a recently acquired building (formerly the U.S. Social Security Building) at 2301 Park Avenue. A CUP is required to allow the use of an existing building as a child day care facility in an R-3, Two-Family Residential District.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Institutional land use for this property. Institutional uses include religious, educational, service clubs and organizations, as well as other non-profit entities.
2. **Zoning.** The subject property was annexed into the City in 1908. The existing R-3, Medium Density Two-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed child care facility.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 2/22/1979: City Council approved The Salvation Army's CUP petition for a new office building at 2215 Park Avenue.
 - 8/11/1981: City Council approved Euclid Christian Church's CUP petition for child care facility at 2220 Memorial Avenue.
 - 6/11/1985: City Council approved The Salvation Army's CUP petition for a game room addition to their office at 2215 Park Avenue.

- 11/11/1987: City Council approved Euclid Christian Church's CUP petition for a building addition, play area and additional parking at 2220 Memorial Avenue.
 - 6/8/1993: City Council approved The Salvation Army's CUP petition for the operation of an emergency shelter for up to 7 women and children in an existing house at 807 Walnut Street.
 - 6/11/1996: City Council approved The Salvation Army's CUP petition for the operation of a child care center at their 2215 Park Avenue office.
 - 9/10/2002: City Council denied The Salvation Army's CUP petition for the operation of a group home for up to 6 women and children in an existing structure at 805 Stuart Street.
5. **Site Description.** The subject property is bounded to the north and east by residential uses to the south by "Miller Park" and to the west by a commercial use.
6. **Proposed Use of Property.** The purpose of the conditional use permit to allow the use of an existing building as a child day care facility for the Salvation Army in an R-3, Two-Family Residential District. Care centers are permitted in residential districts, providing the following requirements are met:
- All state health department regulations for care centers or kindergartens shall be met.
 - For persons over eighteen (18) years of age, there shall be an appropriately enclosed outside recreation area of not less than thirty (30) square feet per person enrolled; for persons eighteen (18) years of age or less, there shall be an appropriately enclosed recreation area of not less than seventy-five (75) square feet per person using the recreation area at any one time.
 - The movement of traffic through the street on which the facility is located shall be capable of being controlled to the degree necessary to allow ingress and egress by small children.
 - Minimum area, frontage, setback and parking requirements are met in accordance with section 35.1-54 of the City's Zoning Ordinance.
 - Screening as specified in Section 35.1-23 of the City's Zoning Ordinance shall be provided, for the other perimeter of the parking and of the recreation area.
7. **Traffic and Parking.** The City's Traffic Engineer has recommended that the two access driveways be limited to "one way traffic in" for the access off of Park Lane and "one way traffic out" for the access off of Park Avenue to improve the flow of traffic through the facility's parking area. The petitioner has provided for the "one way" entrances and "one way" signage at the two access drives on the 3/11/05 revision of the site plan.

Parking requirements for the proposed development include 2 spaces for each care center as well as a minimum of 2 parking spaces for every 30 persons enrolled. The site plan indicates that 38 parking spaces will be provided of which six (6) are required.

8. **Storm Water Management.** New impervious areas do not exceed 1,000 square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the proposed foundation plantings and parking lot landscaping will provide new low maintenance greenspace which will result in slightly less runoff and improved stormwater quality benefit from the site.
9. **Impact.** The Salvation Army acquired the former United States of America Social Security building located on Park Avenue. The petitioner plans to move their existing day care program, Noah's Ark, and their Social Services offices to the building. This will alleviate overcrowding of their Community Center, also located on Park Avenue, and allow the Army to use their Community Center for its designed use. The former Social Security building will be renovated on the inside for the two new uses while the outside will remain relatively the same. Several windows will be replaced with door units on the north and east sides of the building and three additional window/door units will be added to the west side of the building. Existing utilities are believed to be adequate for the new use.

The City's Planning Staff has determined that the minimum area, frontage and setback requirements as required by the Zoning Ordinance have been met for the project. A landscape buffer has been shown on the site plan between the existing parking lot/proposed playground and the adjacent property to serve the screening requirement of the Zoning Ordinance. The proposed play area is shown to be enclosed with a fence as required by City Code.

The City's Traffic Engineer has requested that the two access drives be converted to a one way entrance and a one way exit, respectively. The revised site plan provides for the one way designation as well as signage to define the entrance/exit accordingly.

The existing parking and site features will remain undisturbed; however, the rear parking area will be covered with rubber tile mats to create a playground area. Despite the removal of the existing rear parking area, the project exceeds the required parking for care centers as defined within the City's zoning ordinance.

There will be no site grading or paving and the existing stormwater management systems will remain in effect. The project proposes to reduce impervious area through the addition of landscaping and the replacement of the existing rear parking area with a "rubber tile" playground.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 1, 2005. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMEND MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of The Salvation Army's petition for a Conditional Use Permit (CUP) at 2301 Park Avenue to allow for the use of an existing building as a child day care facility in an R-3, Two-Family Residential District, subject to the following conditions:

- 1. The Property will be developed in substantial compliance with the Proposed Noah's Ark Daycare Facility for the Salvation Army Site Plan for CUP prepared for The Salvation Army by Craddock-Cunningham Architectural Partners, P.C. dated February 18, 2005 and revised March 11, 2005.**
- 2. All exterior lighting will be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.**
- 3. A vegetative buffer will be provided along the perimeter of the site, subject to the review of the City Planner and Urban Forester. If the buffer requires that more than 25 evergreen trees be used to supplement, then two different species are required. If the buffer requires more than 50 evergreen trees be used to supplement, then three species are required.**
- 4. All planting material used for the vegetative buffer shall be a minimum of four (4) foot in height at the time of planting.**
- 5. Traffic flow shall be as indicated on the submitted site plan.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert S. Fowler, Zoning Official
Mr. Kent L. White, Senior Planner
Ms. Erin M. Bryant, Environmental Planner
Mr. Gary E. Harvey, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Narrative

(see attached narrative)

Minutes from the March 23, 2005 Planning Commission meeting.
These minutes have been reviewed, but not approved by the Commission.

Petition of the Salvation Army for a conditional use permit at 2301 Park Avenue to allow the use of an existing building as a care center in an R-3, Two-Family Residential District.

Mr. Gary Harvey, Craddock-Cunningham Architectural Partners represented the Salvation Army concerning this request. Mr. Harvey explained that currently the Salvation Army operated a day care in their Community Center. Recently, he continued, the Social Security building next door to their current location became available for the day care as well as for the Social Services portion of their program. He told the Commission that the building would not be expanded, but the back of the building would be fitted with windows and doors for each room in order to provide a second means of egress. Mr. Harvey added that the play ground would be covered with rubber tile, which would provide a soft surface for the children when necessary. He said that the majority of the children who attended the daycare were somewhat subsidized, but not this was not a headstart program.

Commissioner Barnes asked the age of the children, about the steep slope and drainage of the back area, and about the two storage buildings on the property. He added that this project was appropriate for the Midtown Plan for the City.

Mr. Harvey responded that all 58 participants were between infant and middle school aged. He added that there was no site work involved with the project; therefore, there were no plans for stormwater management practices. He said the size of the parking area would decrease due to the installation of the rubber tiles, but that would not create any drainage issues. Mr. Harvey noted that one of the storage buildings would be removed and the other building would remain on site.

Commissioner Flint asked if the building was indeed donated to the Salvation Army from the Social Security Administration.

Mr. Harvey confirmed that the building was donated to the Salvation Army.

After discussion Commissioner Flint made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of The Salvation Army's petition for a Conditional Use Permit (CUP) at 2301 Park Avenue to allow for the use of an existing building as a child day care facility in an R-3, Two-Family Residential District, subject to the following conditions:

1. The Property will be developed in substantial compliance with the Proposed Noah's Ark Daycare Facility for the Salvation Army Site Plan for CUP prepared for The Salvation Army by Craddock-Cunningham Architectural Partners, P.C. dated February 18, 2005 and revised March 11, 2005.
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4. All planting material used for the vegetative buffer shall be a minimum of four (4) foot in height at the time of planting.
5. Traffic flow shall be as indicated on the submitted site plan.

AYES: Bacon, Barnes, Dahlgren, Flint, Hamilton, Pulliam, Worthington

7

NOES:

0

ABSTENTIONS:

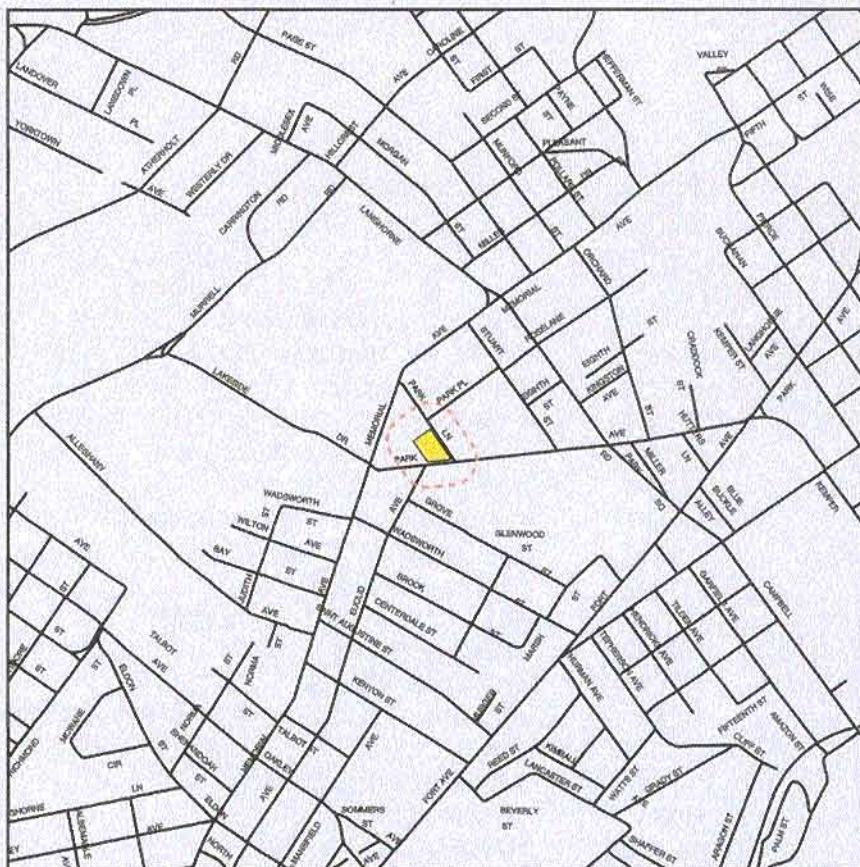
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#2301 Park Avenue
Val. Map # 011-04-006
Conditional Use Permit Request
Petitioner: Salvation Army

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

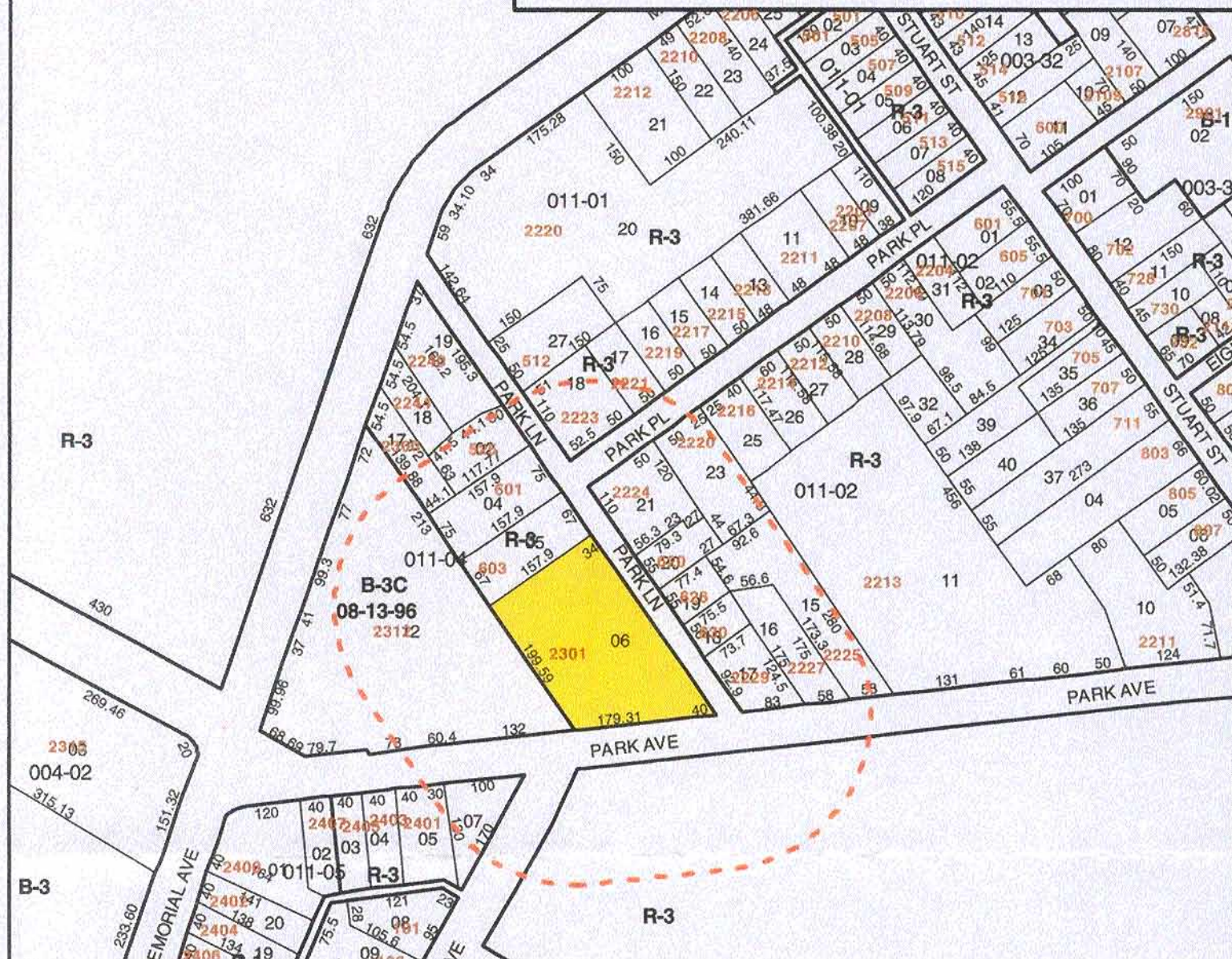


200 ft Radius



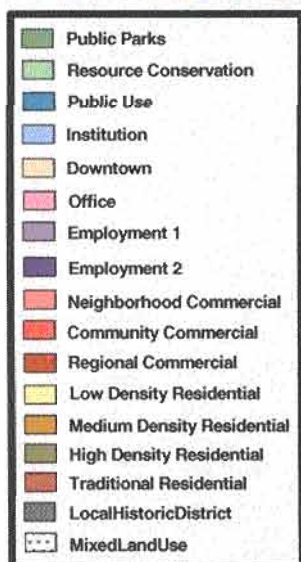
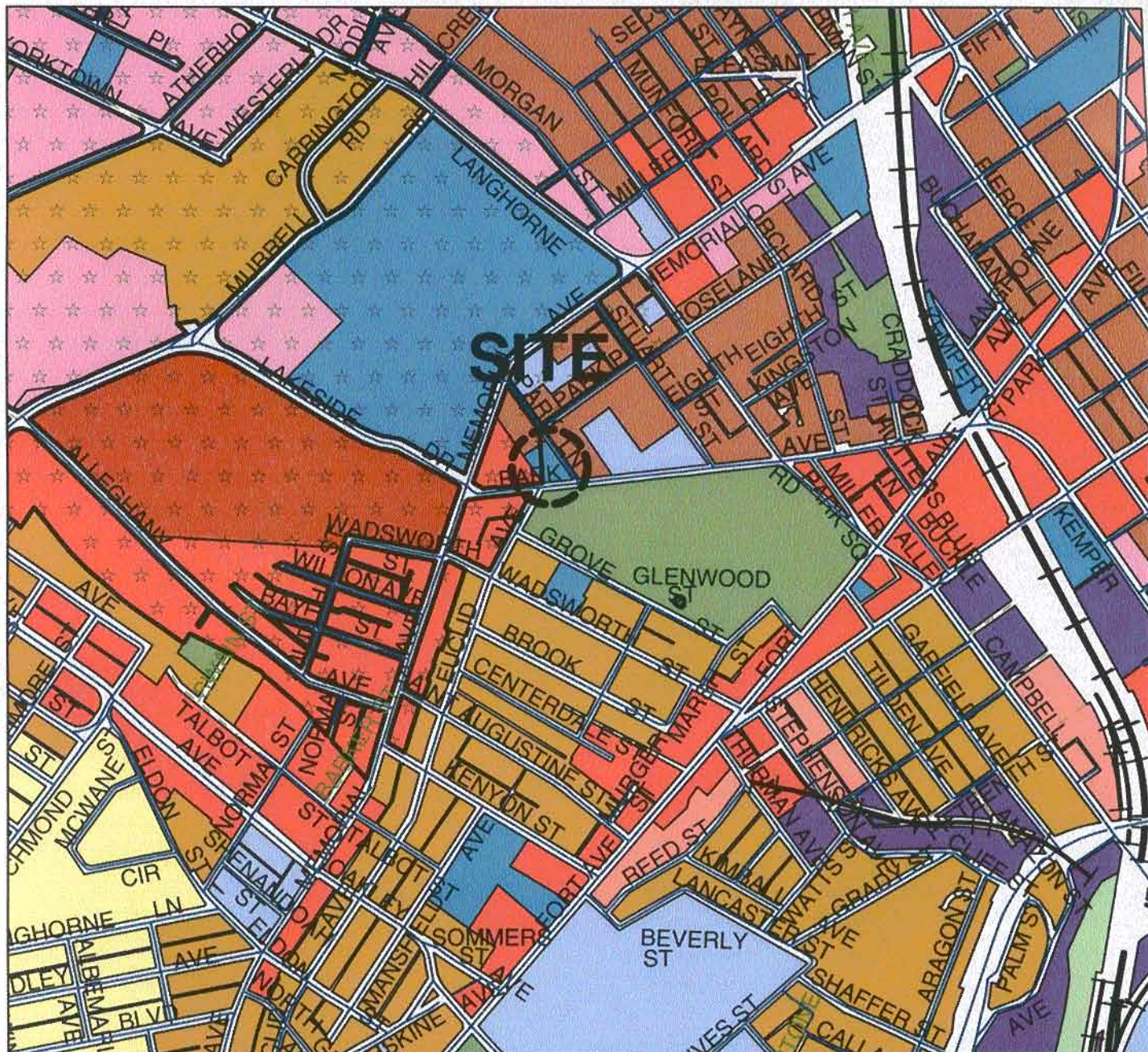
2101

004-02



Salvation Army - Noah's Ark Preschool
2301 Park Avenue

PIN	OWNER
1105007	CITY OF LYNCHBURG C/O STEVE LAWSON
1104005	CRANK WILLIAM H & PATRICIA C
1101017	FERGUSON LARRY T & TINA W
1105005	FLESHMAN LINDSAY D & MARY K
1104002	HAULSEY JAMES R & CELESTINE S
1102015	INTEGRA INVESTMENTS INC
1102017	JONES ROBERT S & BACHMAN ROBERT S
1104012	LYNCHBURG RA LLC C/O RITE AID CORP #4773
1101018	PETERS G W & LILLIAN M
1102018	PRESIDENT JOHNNIE L & JUDITH
1102023	RUCKER SHIRLEY
1104006	SALVATION ARMY INC
1102021	STEWART MARK T & STEWART GARY L & STEWART JAMES R JR
1104004	SYKES LISA H
1104017	VIAR ANDREW L SR
1102016	VINCENT GENEVA
1102020	WALKER ROBERT P. JR
1102019	WELLS FARGO BANK N A
Owner	SALVATION ARMY INC
Petitioner	SALVATION ARMY INC
Representative	GARY HARVEY C/O CRADDOCK-CUNNINGHAM



NOAH'S ARK CHILD CARE FACILITY

2301 PARK AVENUE

LAND USE PLAN



CRADDOCK-CUNNINGHAM
ARCHITECTURAL PARTNERS, P.C.
PROJECT MEMO

RECEIVED

MAR 11 2005

COMMUNITY PLANNING
& DEVELOPMENT

TO: Tom Martin, AICP
City Planner

FROM: Gary E. Harvey

PROJECT NAME: Salvation Army Day Care Center

COMM. # 04160 DATE: 03-11-05 MEETING PHONE CALL

PARTICIPANTS:

SUBJECT: Noah's Ark Day Care Facility

Tom,

Please find attached 15 copies (11x17) of the revised Salvation Army Day Care site plan for TRC submission. We believe that each TRC comment has been addressed where required.

Per your request the following is a narrative describing the project.

The Salvation Army acquired the former United States of America Social Security building located on Park Avenue. They plan to move their existing day care program, Noah's Ark, and their Social Services offices to the building. This will alleviate overcrowding of their Community Center, also located on Park Avenue, and allow the Army to use their Community Center for its designed use. The former Social Security building will be renovated on the inside for the two new uses while the outside will remain relatively the same. Several windows will be replaced with door units on the north and east sides of the building and three additional window/door units will be added to the west side of the building. The existing parking and site features will remain undisturbed. We will however cover the rear parking area with rubber tile mats to create a playground area. There is no site grading or paving and the existing storm water management systems will remain in effect. Existing utilities are also believed to be adequate for the new use requiring no change.

SALVATION ARMY
Noah's Ark Daycare
2301 Park Avenue

March 23, 2005

PLEASE PRINT

NAME	ADDRESS	PHONE #	IN FAVOR	IN OPPOSITION	NEUTRAL
GLADY HAZUEY	10 Nimrod ST	434-896-8456	L		